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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,395	11/15/2001	Faisal M. Awada	AUS920010916US1	7307

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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,395

Applicant(s)

AWADA ET AL.

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-16, 18, 19, 21, 22, 24, 25, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-16, 18, 19, 21, 22, 24, 25, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim(s) 1-28** are rejected under 35 U.S.C. 102(e) as being anticipated by Sawada (US 6,421,544 B1).

Regarding **claim(s) 1, 21 and 24**, Sawada discloses a method in a mobile communications device for activating a selected profile(column 1, lines 6-10), the method comprising:

detecting an external control signal transmitted from a transmitter location, wherein the external control signal contains an encoded command (FIG. 4 and column 13, lines 23-26) [The CPU 18 detects the control signal from the doorway base station 5 the signal includes the command to change the mode of the mobile station];

decoding the encoded command to define features in the profile, wherein the features are identified by a group of settings contained in the encoded command and wherein the features were not defined in the profile prior to detecting the external control

signal (FIG. 4 and column 13, lines 26-29) [The CPU 18 detects the present mode of the mobile phone, the mode was not defined in the profile prior to enter the use inhibit area 3, the control signal detecting by the CPU commands a change in status];

activating the profile, wherein the features in the profile control attributes of the mobile communication device, and wherein the profile implements a policy of mobile communications device usage for the location and replaces a current profile for the mobile communications device (FIG. 4 and column 13, lines 29-37) [The CPU 18 causes features to be activated when the CPU 18 receives the control signal regarding the change of the state that the mobile was to the proper mode for the use in that inhibit area 3];

maintaining the profile only while the external control signal continues to be detected (FIG. 4 and column 13, lines 37-44) [The CPU 18 maintains the call inhibit mode until the CPU 18 detects another control signal from the doorway base station 5].

Regarding **claim(s) 2 and 6**, Sawada discloses restoring the current profile when reception of the external control signal is discontinued (column 13, lines 37-44).

Regarding **claim(s) 3**, Sawada discloses the attributes disable a call from being received by a user of the mobile communications device (column 13, lines 23-44).

Regarding **claim(s) 4 and 13**, Sawada discloses the attributes are at least one of a ringer volume, a ringer duration, a vibration mode, a conversation mode, a

conversation duration, and an informational message, and wherein the conversation mode enables or disables a call from being received by a user, the ringer mode turns a ringer on or off, and the vibration mode turns a vibration on or off (column 13, lines 23-44).

Regarding **claim(s) 5, 22 and 25**, Sawada discloses all the limitations of **claim(s) 5 and 22** as stated in **claim(s) 1** rejection above and furthermore Sawada discloses identifying the setting in the external control signal to form identified settings, wherein the identified setting define features in the profile that comply with the policy for mobile communications device usage for the location (FIG. 4 and column 13, lines 29-37) [The CPU 18 detects the control signal from the doorway base station 5 as command to change the setting the mobile communication from the setting it was to the setting request from the external control signal].

Regarding **claim(s) 7**, Sawada discloses displaying an icon indicating that the profile has been activated, wherein the icon is displayed while the profile is active (column 12, lines 21-25).

Regarding **claim(s) 8**, Sawada discloses the location is a public establishment, a home, an office, or a government building (column 7, lines 23-29).

Regarding **claim(s) 9**, Sawada discloses the external control signal is broadcasted from a transmitter (column 13, lines 23-44).

Regarding **claim(s) 10**, Sawada discloses the transmitter is programmed by a control unit to broadcast the external control signal (column 13, lines 23-44).

Regarding **claim(s) 12**, Sawada discloses the mobile communications device contains circuitry that decodes the external control signal (column 9, lines 46-49).

Regarding **claim(s) 14**, Sawada discloses the mobile communications device is one of a mobile phone, a personal digital assistant, a two way pager, or a laptop computer (column 8, lines 34-39).

Regarding **claim(s) 15**, Sawada discloses the external control signal is one of a radio frequency signal, an infrared signal, or an ultrasonic signal (column 13, lines 23-44).

Regarding **claim(s) 16**, Sawada discloses an emergency phone is always allowed by the profile (column 9, lines 50-60).

Regarding **claim(s) 18 and 19**, Sawada discloses all the limitations of **claim(s) 18 and 19** as stated in **claim(s) 1 and 17** rejections above and furthermore Sawada

discloses a bus system (1 on FIG. 2), a communications unit connected to the bus system (12 on FIG. 2), a memory connected to the bus system, wherein the memory includes a set of instructions (FIG. 2 and column 9, lines 38-40), and a processing unit (CPU 18 on FIG. 2).

Regarding **claim(s) 27 and 28**, Sawada discloses the profile cannot be activated or modified by a user of the mobile communications device (column 13, lines 23-44).

Response to Arguments

3. Applicant's arguments with respect to **claim(s) 1-28** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

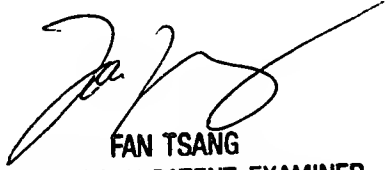
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**GERALD GAUTHIER
PATENT EXAMINER**

g.g.
February 10, 2005


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